

## **Chapter 2.12**

### **PLANNING COMMISSION**

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#### **2.12.010 City planning commission created.**

The North Sioux City planning commission is created for the city. (Ord. 394 § 1, 2002)

#### **2.12.020 Membership of the planning commission.**

The city planning commission shall consist of five members and two alternate members appointed by the mayor, subject to the approval of the common council. The members and alternate members of this planning commission shall be resident electors of the city, qualified by knowledge or experience to act in matters pertaining to the development and administration of a city planning commission. The alternate members shall, in the absence of the regular members, fulfill their duties and act in matters pertaining to the development and administration of the city planning commission. (Ord. 394 § 2, 2002)

#### **2.12.030 Terms of members.**

The term of each member of the planning commission shall be for five years. Appointment of each member shall be for terms of five years so that there will be an overlapping of tenures. (Ord. 394 § 3, 2002)

#### **2.12.040 Vacancies.**

Any vacancy in a membership on the planning commission shall be filled for the unexpired term in the same manner as for appointment. (Ord. 394 § 4, 2002)

#### **2.12.050 Removal for cause.**

The mayor with the confirmation of the common council, after public hearing, shall have authority to remove any member of the planning commission for cause that shall be stated in writing and made a part of the record of such

hearing. (Ord. 394 § 5, 2002)

**2.12.060 Compensation and expenses.**

All members of the planning commission shall receive compensation in the amount of fifty dollars (\$50.00) for each scheduled and adjourned meeting attended. Compensation for other actual expenses, shall be subject to the approval of common council. (Ord. 394 § 6, 2002)

**2.12.070 Expenditures of planning commission--Funds, equipment and accommodations.**

The expenditures of the planning commission, exclusive of those made from funds received by gift, shall be within the amounts appropriated for the purpose by the common council, which shall provide the funds, equipment and accommodations necessary for the commission's work. (Ord. 394 § 7, 2002)

**2.12.080 Organization, rules, staff and finances.**

Upon appointment, the planning commission shall be called together by the mayor and shall organize by electing a chairperson from among its members for a term of one year with eligibility for reelection, and may fill such other of its offices as it may create in a manner prescribed by the rules of such planning commission. The city finance officer, or deputy, shall act as secretary of the planning commission, but shall not be a member thereof. (Ord. 394 § 8, 2002)

**2.12.090 Meetings, rules, records.**

The planning commission shall hold at least one regular meeting each month. It shall adopt rules for transaction of its business and shall keep a record of its resolutions, transactions, findings, and determinations that shall be a public record. (Ord. 394 § 9, 2002)

**2.12.100 Annual report..**

The planning commission shall make, each year on or about the first of August, a report to the common council of its proceedings with a statement of its receipts and disbursements and the progress of its work during the preceding year. (Ord. 394 § 10, 2002)

**2.12.110 Powers and duties of commission.**

The North Sioux City planning commission, its members and employees, shall have all such powers as may be necessary to enable it to fulfill and perform its functions, promote planning, or carry out all the purposes and powers enumerated in SDCL 11-4 and 11-6 and acts amendatory thereof. (Ord. 394 § 11, 2002)

**2.12.120 Preparation of comprehensive plan.**

The planning commission shall propose a comprehensive plan for the physical development of North Sioux City pursuant to the terms of SDCL 11-4 and 11-6. The comprehensive plan shall be made with the general purpose of guiding and accomplishing a coordinated and harmonious development of the city.

After such comprehensive plan has been adopted according to law, no

substantial amendment or modification thereof shall be made, without such proposed change first being referred to the planning commission for its recommendations. (Ord. 394 § 12, 2002)

**2.12.130 Zoning regulations.**

It shall be a duty of the planning commission to recommend the boundaries of zoning districts and appropriate regulations to be enforced therein, in accordance with the comprehensive plan. The planning commission shall prepare regulations governing land uses, building or setback lines and the subdivision or platting of land within the municipality in accordance with SDCL 11-4 and 11-6. All applications and proposals for changes in or amendments to the zoning regulations shall first be submitted to the planning commission for its recommendations. (Ord. 394 § 13, 2002)

**2.12.140 Subdivision plats and regulations.**

All plans, plats or re-plats, or subdivisions or resubdivisions of land within the jurisdiction of this chapter shall first be submitted to the planning commission for its recommendation before approval by the city council.

The planning commission shall prepare and recommend to the city council regulations governing the subdivision of land within its jurisdiction. No amendments or changes thereto shall be made without recommendation by the planning commission. (Ord. 394 § 14, 2002)

**2.12.150 Penalty for sale of lots**

**before approval and recording of plat--  
Injunction or action for recovery or penalty.**

Whoever being the owner or agent of the owner of the land located within the platting jurisdiction of the city knowingly or with intent to defraud transfers or sells, or agrees to sell, or negotiates to sell such land by reference to or exhibition of or by other use of a subdivision of such land before such plat has been approved by the common council and recorded in the office of the register of deeds shall forfeit and pay penalty of not more than Five Hundred Dollars (\$500.00) for each lot so transferred or sold, or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city may enjoin such transfer or sale or agreement by action or injunction or may recover the said penalty by civil action. (Ord. 394 § 15, 2002) (Amended 2007)

**2.12.160 Violation--Penalty.**

Any person who shall violate any provisions of this chapter, upon conviction thereof, shall be punished by fine of not more than Five Hundred Dollars (\$500.00). Each day of violation of any provisions of this chapter shall be considered as a separate offense. (Ord. 394 § 16, 2002) (Amended 2007)